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**Third Committee**
Item 117 (b)
**Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

**Argentina, Austria, Belgium, Brazil, Canada, Chile, Cyprus, Czech Republic, Denmark, Dominican Republic, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland and Uruguay: draft resolution**

## Protection of human rights and fundamental freedoms while countering terrorism

*The General Assembly*,

*Reaffirming* the purposes and principles of the Charter of the United Nations,

*Reaffirming also* the fundamental importance, including in response to terrorism and the fear of terrorism, of respecting all human rights and fundamental freedoms and the rule of law,

*Recognizing* that the respect for human rights, the respect for democracy and the respect for the rule of law are interrelated and mutually reinforcing,

*Recalling* its resolution 57/219 of 18 December 2002 as well as Commission on Human Rights resolution 2003/68 of 25 April 2003,

*Recalling also* its resolution 48/141 of 20 December 1993 and, inter alia, the responsibility of the United Nations High Commissioner for Human Rights to promote and protect the effective enjoyment of all human rights,

*Reiterating* paragraph 17 of section I of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[1] which states that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights,

[1] A/CONF.157/24 (Part I), chap. III.

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fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,

*Noting* its resolution 56/160 of 19 December 2001, and noting also Commission on Human Rights resolution 2003/37 of 23 April 2003,[2] on human rights and terrorism,

*Noting also* the declaration on the issue of combating terrorism contained in the annex to Security Council resolution 1456 (2003) of 20 January 2003, in particular the statement that States must ensure that any measures taken to combat terrorism comply with all their obligations under international law and should adopt such measures in accordance with international law, in particular international human rights, refugee and humanitarian law,

*Recalling* the relevant resolutions of the General Assembly and the Security Council,

*Noting* the declarations, statements and recommendations by a number of human rights treaty monitoring bodies and special procedures on the question of the compatibility of counter-terrorism measures with human rights obligations,

*Reaffirming* its unequivocal condemnation of all acts, methods and practices of terrorism, in all their forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism,

*Stressing* that everyone is entitled to all the rights and freedoms recognized in the Universal Declaration of Human Rights[3] without distinction of any kind, including on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

*Recalling* that, in accordance with article 4 of the International Covenant on Civil and Political Rights,[4] certain rights are recognized as non-derogable in any circumstances and that any measures derogating from the provisions of the Covenant must be in accordance with that article in all cases, and underlining the exceptional and temporary nature of any such derogations, as stated in General Comment No. 29 (2001) on states of emergency, adopted by the Human Rights Committee on 24 July 2001,

1. *Reaffirms* that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

2. *Calls upon* States to raise awareness about the importance of these obligations among national authorities involved in combating terrorism;

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[2] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[3] Resolution 217 A (III).

[4] See resolution 2200 A (XXI), annex.

3. *Takes note* of the report of the Secretary-General submitted pursuant to General Assembly resolution 57/219,[5] and welcomes its conclusions on the necessity of ensuring respect for human rights in the international campaign to eliminate the practice and threat of terrorism and on the important dual role that the United Nations has in promoting the maintenance of international peace and security while also seeking to achieve international cooperation in encouraging respect for the human rights and fundamental freedoms of all;

4. *Takes note with interest* of the report of the Secretary-General on the protection of human rights and fundamental freedoms while countering terrorism,[6] and welcomes the various initiatives to strengthen the protection of human rights in the context of counter-terrorism adopted by the United Nations and regional intergovernmental systems as well as by States;

5. *Welcomes* the publication of the *Digest of Jurisprudence of the United Nations and Regional Organizations, on the Protection of Human Rights while Countering Terrorism*, and requests the United Nations High Commissioner for Human Rights to update and publish it periodically;

6. *Also welcomes* the ongoing dialogue established between the Security Council and its Counter-Terrorism Committee and the relevant bodies for the promotion and protection of human rights, and encourages the Security Council and its Counter-Terrorism Committee to strengthen the cooperation with relevant human rights bodies, especially with the Office of the United Nations High Commissioner for Human Rights, in order to ensure the integration of the promotion and protection of human rights in the ongoing work pursuant to relevant Security Council resolutions;

7. *Requests* all relevant special procedures and mechanisms of the Commission on Human Rights, as well as the United Nations human rights treaty bodies, to consider, within their mandates, the protection of human rights and fundamental freedoms in the context of measures to combat terrorism and to coordinate their efforts and to exchange information in order to ensure a consistent approach on this subject;

8. *Encourages* States, while countering terrorism, to take into account relevant United Nations resolutions and decisions on human rights, and encourages them to consider the recommendations of the special procedures and mechanisms of the Commission on Human Rights and the relevant comments and views of United Nations human rights treaty bodies;

9. *Requests* the United Nations High Commissioner for Human Rights, making use of existing mechanisms, to continue:

(a) To examine the question of the protection of human rights and fundamental freedoms while countering terrorism, taking into account reliable information from all sources;

(b) To make general recommendations concerning the obligation of States to promote and protect human rights and fundamental freedoms while taking actions to counter terrorism;

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[5] E/CN.4/2003/120.

[6] A/58/266.

(c) To provide assistance and advice to States, upon their request, on the protection of human rights and fundamental freedoms while countering terrorism, as well as to relevant United Nations bodies;

10. *Also requests* the United Nations High Commissioner for Human Rights to submit a study on (a) the extent to which the human rights special procedures and treaty monitoring bodies are able, within their existing mandates, to address the compatibility of national counter-terrorism measures with international human rights obligations in their work, and (b)examples of best practices by States in ensuring the compatibility of their counter-terrorism measures with their obligations under international human rights law, all in order to identify means and measures for consideration by States for strengthening the promotion and protection of human rights and fundamental freedoms while countering terrorism as regards the international human rights institutional framework;

11. *Further requests* the United Nations High Commissioner for Human Rights to submit the requested study to the General Assembly at its fifty-ninth session, with an interim report to the United Nations Commission on Human Rights at its sixtieth session;

12. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the Commission on Human Rights at its sixtieth session and to the General Assembly at its fifty-ninth session.